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# United States Senate

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April 2, 2015

Joint Committee on Judiciary  
Connecticut General Assembly  
Legislative Office Building, Room 2500  
Hartford, CT 06106

Dear Co-Chairs Coleman and Tong, and Ranking Members Kissel and Rebimbas:

I write to express my strong support for legislation that would place reasonable limits on the use of shackles in Connecticut's juvenile courts. When I speak about juvenile justice reform to colleagues in Washington, I frequently cite Connecticut's leadership in this area. We have made great strides in our state toward a system that better protects public safety while giving young people the kind of help they need to be successful at home, at school, and in the community. Many of the policies that made these achievements possible originated in the Judiciary Committee.

In the U.S. Senate, I intend to advocate this year for a reauthorization of the Juvenile Justice and Delinquency Prevention Act (JJDP), the landmark statute that sets federal standards to protect youth who come into contact with the juvenile justice system. I believe that one of the critical elements of a new JJDP will be the inclusion of standards related to youth shackling, and I am hopeful that Connecticut will once again prove to be a leader and a model that I can point to in my work at the federal level. The introduction of H.B. 7050 and the March 30 hearing in your Committee are clear steps in the right direction that provide an opportunity for getting ahead of possible federal guidelines, and I applaud you for your leadership.

Most states, including Connecticut, still allow the indiscriminate shackling of young people in their juvenile courtrooms, but this is changing rapidly. In the past 12 months, three states have changed their policies to allow shackling only in those rare circumstances when a youth presents a safety risk that cannot be managed by less drastic measures. The American Bar Association and the Child Welfare League of America have both recently come out against the automatic shackling of youth in court. There is an emerging national consensus that indiscriminate juvenile shackling is an indefensible practice.

Youth and court advocates are not the only professionals championing these reforms. Mental health experts tell us that the experience of shackling may have long-term effects. As the Child Welfare League of America said in its policy statement, "feelings of shame and humiliation may inhibit positive self-development and productive community participation. Shackling doesn't protect communities. It harms them."

In Connecticut, 80 percent of children admitted to detention report histories of trauma. In 2013, 90 percent of boys admitted to the Connecticut Juvenile Training School had more than one DSM-IV diagnosis. The Pueblo Unit for girls has not been open long enough to report similar data, but research has found the rate of mental disorders for girls in the juvenile justice system to be higher than it is for boys. I applaud efforts to divert children with acute mental health needs from the juvenile justice system and encourage you to support a redoubling of those efforts. However, advocating for one set of reforms while not addressing another would continue to leave too many young people in the system vulnerable. Shackling children without discretion is an outdated practice that can lead to increased trauma and humiliation.

For all these reasons, it is my sincere hope that Connecticut can continue to be at the forefront of juvenile justice reform and pass anti-shackling legislation this session. H.B.7050 is an encouraging step, but I believe it could be further strengthened to ensure that shackling of youth is a practice that is used in only the most extreme and rare circumstances. To that end, I respectfully offer the following suggested language:

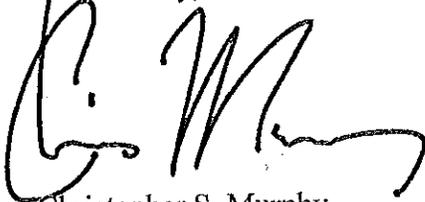
*Instruments of restraint, such as handcuffs, chains, irons, or straitjackets, may not be used on a child during a court proceeding and must be removed prior to the child's appearance before the court unless the court finds both that:*

- (1) The use of such restraints is necessary to ensure the safety of the public;*  
*and,*
- (2) There are no less restrictive alternatives to restraints that will prevent flight or physical harm to the child or another person, including, but not limited to, the presence of court personnel, law enforcement officers, or bailiffs.*

*The court shall provide the juvenile's attorney an opportunity to be heard before the court orders the use of restraints. If restraints are ordered, the court shall make findings of fact in support of the order.*

It is time that Connecticut placed limits on the use of shackles in juvenile court, and I fully support your efforts and leadership in enacting new legislation to do so.

Respectfully,



Christopher S. Murphy  
U.S. Senator